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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/838,472

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Philip Edward Arthur Stuart

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

MCCLOUD, RENATA D

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,472

Applicant(s)

STUART, PHILIP EDWARD
ARTHUR

Examiner

Renata McCloud

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,19,20 is/are rejected.
- 7) ☒ Claim(s) 8 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities:

The limitation "said rubber tube" has insufficient antecedent basis for in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 7, 9, 10, 17, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "substantially" in claims 6, 7, 9, 10, 17, and 19 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheehan (U.S. Patent 5,214, 254).

Claim 1: An air supply assembly (Fig. 1) comprising: a resonator component including a hose opening (Fig. 1:11); a hose inserted into said hose opening (Fig. 1:13); and a tube including a tapered end (Fig. 1:12), said tapered end inserted within said hose to seal and retain said hose against said hose opening (Fig. 2:12).

Claim 2: an interior surface of a hose includes an angled portion (Fig. 2:13 hose has angled portion of 180 degrees).

Claim 3: the tapered end of said tube slides along said angled portion of said hose during insertion of said tube within said hose (Fig. 2:12)

Claim 11: the tube includes a plurality of openings to communicate an interior of said tube into a resonator chamber (Fig. 2:14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-7 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan (U.S. Patent 5,214,254) in view of Akima et al (U.S. Patent 5,900,595).

Claim 12: Sheehan teaches an air supply assembly (Fig. 1) comprising: a resonator component including a hose opening (Fig. 1:11); a hose inserted into said hose opening (Fig. 1:13); and a tube including a tapered end (Fig. 1:12), said tapered end inserted within said hose to seal and retain said hose against said hose opening (Fig. 2:12). Sheehan do not teach an air cleaner component or an intake manifold component. Akima et al teach an air cleaner component (Fig. 2:10) and an intake manifold component (Fig. 1:8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air supply assembly taught by Sheehan to include an air cleaner component or an intake manifold component as taught by Akima et al. The advantage of this would be an air intake device with a high silencing effect.

Claim 7: Sheehan teaches the limitations of claim 1. Referring to claim 7, Sheehan does not teach a retention end of the tube connects to an intake manifold component. Akima et al teach a retention end of the tube connects to an intake manifold component (Fig. 1:11 connected to 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air supply assembly taught by Sheehan to include a retention end of the tube connecting to an intake manifold component, as taught by Akima et al. The advantage of this would be an air intake device with a high silencing effect.

Claims 4 and 15: Sheehan teaches the limitations of claim 1. Sheehan and Akima et al teach the limitations of claim 12. Referring to claims 4 and 15, Akima et al teach a tube (Fig. 3: 11) with a retention end to secure said tube to an air cleaner component (Fig. 3:214).

Claims 5 and 16: Sheehan teaches the limitations of claim 1. Sheehan and Akima et al teach the limitations of claim 12. Referring to claims 5 and 16, Akima et al teach the retention end includes a recessed portion positioned between a pair of tabs (Fig. 3: 214).

Claims 6 and 17: Sheehan teaches the limitations of claim 1. Sheehan and Akima et al teach the limitations of claim 12. Referring to claims 6 and 17, Akima et al teach a tube opening of said resonator component substantially engages said recessed portion of said tube to secure said tube to said resonator (Fig. 3: 214).

Claim 13: Sheehan and Akima et al teach the limitations of claim 12. Referring to claim 13, Sheehan teaches an interior surface of said hose includes an angled portion (Fig. 2:13 hose has angled portion of 180 degrees) .

Claim 14: Sheehan and Akima et al teach the limitations of claim 13. Referring to claim 14, Sheehan teaches the tapered end of said tube slides along said angled portion of said hose during insertion of said tube within said hose (Fig. 2:12).

Allowable Subject Matter

8. Claims 8 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9, 10, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and rewritten in independent form and to include all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:
Prior art of Record fails to teach a plurality of protrusions on an exterior surface of a hose that assist in sealing the hose against a hose opening or an interior hose projection contacts an inner surface of a resonator component and secures the hose to the resonator component.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.-Thurs and every other Fri. from 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud
Examiner
Art Unit 2837

RDM
March 17, 2003


ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
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